



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431



SEMS DocID 2261446

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(Red)

Allyn G. Turner, Esq.  
Spillman, Thomas, Battle and Klostermeyer  
1200 United Center  
500 Virginia Street, East  
P.O. Box 273  
Charleston, WV 25321-0273

10/14/93

Re: Shaffer Equipment Company Site ("Site"),  
Minden, West Virginia

Dear Ms. Turner;

EPA is providing the following responses to your letter of October 12, 1993. As we discussed over the phone, your comment numbers 5, 6, 7, 8, 10 and 11 represent technical matters that will be discussed in further detail with your technical consultants prior to my planned Site visit. Please be aware that your desire to receive EPA's written responses by the end of the day, have necessitated that I be brief in these responses and that I refer you to some of the enclosures which accompany this response. I will be happy to elaborate further in my responses if necessary and at your request.

Item 1 - The statutory authority for conducting the investigation detailed in the Site Review Work Plan (SRWP) dated September 20, 1993 is contained in Section 104(b) of the Comprehensive Environmental Response Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA). Reference to 40 C.F.R. § 300.415(a)(3), the applicable Removal action provision of the national Contingency Plan, additionally provides that:

This section [40 C.F.R. § 300.415] does not apply to removal actions taken pursuant to section 104(b) of CERCLA. The criteria for such actions are set forth in section 104(b) of CERCLA.

Item 2 - The "project" is an investigatory review and evaluation of the Shaffer Electric Site in response to issues and ongoing concerns raised by the Agency for Toxic Substances and Disease Registry (ATSDR), and the Concerned Citizens to Save Fayette County. Copies of the relevant reports and correspondences are being forwarded to your attention (see item 3, below).

The initial data research review referenced in the SRWP was performed by EPA Region III's Technical Assistance Team. The subsequent findings were documented in a June 16, 1993 report and

distributed to a number of interested parties including Carl Fletcher, the Attorney for Berwind Land Company. An additional copy of this report has been attached to this response for your records.

Item 3 - Copies of all reports and correspondences which you have requested will be forwarded to your attention. Copies of a number of these items have been made and are included within this package. Copies of the ATSDR Health Assessment and any requested documents which could not be copied in time to accompany this response, will be forwarded to your attention in the immediate future. The referenced June 16, 1993 TAT Report, enclosed herein, is responsive to your request for a description of anomalies and analytical discrepancies.

Item 4 - The SRWP clearly states the purposes and objectives of this investigation in Sections II & IV thereof. EPA respectfully refers your attention those sections of that document (enclosed). As explained therein, the investigation is not being undertaken for purposes of replicating earlier efforts or activities but as a investigatory review and evaluation of ongoing issues and concerns at the Site. EPA's sampling plan was devised to provide a reproducible grid sampling scheme for the site to facilitate EPA's investigation of specific areas where "anomalies" ("anomalies" refers to those areas where previous sample data locations were not clearly mapped or otherwise documented, as well as those areas of analytical discrepancy). The sample locations have been developed consistent with PCB Soil sampling guidelines. All evaluations will be performed, and recommendations made, in accordance with the National Contingency Plan and applicable Agency policy(s) and procedure(s).

Item 5 - See enclosed TAT report, dated June 16, 1993.

Items 6 & 7 - EPA will obtain sufficient sample to provide for split samples for all interested parties. All site activities will be open to all PRP's or their designated representatives to observe all phases of EPA or TAT activity. All personnel participating or observing site activities shall read and sign the Site safety plan in accordance with OSHA 29CFR1910.120.

Items 8 & 10 - Discussion of technical issues may best be accomplished by my meeting with your consultants to discuss in detail any technical question they may have. Your suggestion that I schedule a meeting for Monday, October 18, 1993 is well advised and acceptable. It is my intention to start the survey and begin preparations for the other field activities outlined in the SRWP at 0800hrs (8:00am) on Monday. Your representative are welcome to meet with me any time after 1000hrs (10:00am) on Monday.

Item 9 - The reference to 10ppm PCB concentration is for the consideration of potential sample locations only. While consistent with levels established for unrestricted access, (see, EPA PCB Cleanup Policy; 52 Federal Register 10688 (4/2/87)), it is not, and

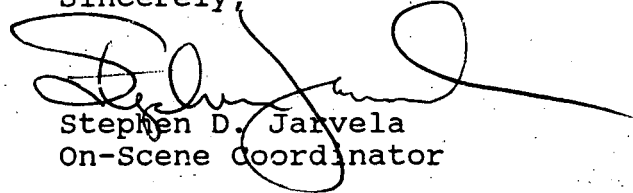
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was not intended to be, a determination by EPA of any new action level for this Site.

Item 11 - I agree. Review of data generated by this effort, its evaluation, and any subsequent recommendations or decisions shall be conducted in accordance with NCP.

If you have any questions or have additional comments I can be reached at (215) 597-7915 or by FAX at (215) 597-8138.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Jarvela", written over the typed name and title.

Stephen D. Jarvela  
On-Scene Coordinator

enclosures